

R277-611 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON SEPTEMBER 10, 2010. THE NEW RULE IS PUBLISHED IN THE OCTOBER 1, 2010 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF NOVEMBER 8, 2010.

R277. Education, Administration.

R277-611. Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools.

R277-611-1. Definitions.

A. "Certified volunteer" means an individual who volunteers to teach school district employees or students in the public schools about firearm safety. The individual shall provide documentation of training from designated training entities prior to providing firearm safety instruction to public school students or employees on public school property.

B. "Public school classrooms or auditoriums" means any classroom or auditorium in a public school identified as available and appropriate and designated by the school superintendent as available for firearm safety instruction.

C. "Firearm safety education classes" means classes or courses taught by designated individuals during the regular school day or outside of the regular school day as determined by the local board of education.

D. "LEA" means a school district, school or charter school.

R277-611-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-13-106(5) which directs the Board to make rules specific to limited areas of firearm safety instruction in the public schools, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide a definition of certified volunteer for purposes of providing firearm safety training in the public schools; to direct school districts and charter schools to designate a process for designated public school areas that may be used for firearm safety training for adults or students or both; and to direct a local board to have a process or committee or both for review of materials that may be used under the school district's or charter school's authority to teach firearm safety; and to provide for voluntary firearm safety training of public school district employees or school community members or both on public school property at times determined by the local board of education.

R277-611-3. Certified Volunteers and Proof of Certification of Instructors.

A. A school district or charter school may allow volunteers who have been certified by the Utah Bureau of Criminal

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Identification to teach firearm safety on public school property consistent with district policy and direction. A list of certified firearms instructors by county is available through the Utah Department of Public Safety.

B. Volunteers shall provide documentation of required training to the designated school administrator prior to the advertisement or notice of available training.

C. Any individual that provides or participates in training to public school age children on public school property shall have completed a fingerprint background check consistent with Section 53A-3-410 and have had the background check reviewed by appropriate school district administrators prior to instructing public school age students. A volunteer or instructor shall not be considered certified under Section 53A-13-106(5)(d) by the school district until the background check process is completed.

R277-611-4. School District Review of Firearm Safety Materials Used in Public Schools.

A. Volunteer firearm safety instructors who have been approved to provide instruction to public school-age students or public school employees shall submit materials they propose to use in their instruction or training for review by the local LEA board prior to the training.

B. The LEA shall have adequate time to review the submitted materials and shall approve or disapprove the materials in a timely manner.

C. An LEA shall use standards for review of materials that include:

(1) Age-appropriateness of materials for the LEA's audience;
(2) Neither a bias against firearms nor a bias in favor of firearms;

(3) The selection and approval of materials that would not personally enrich or benefit the volunteer instructor;

(4) Other reasonable and objective standards that apply to the review of similar instructional materials.

R277-611-5. Voluntary Training of Adults and Public Education Employees on Public School Property.

A. An LEA may allow community groups to use public school property for voluntary firearm safety training for public school employees or interested community members.

B. Community groups shall be allowed to use public school property for voluntary firearm safety training under conditions used to approve public school buildings for non-curriculum uses.

C. Availability of space and the safety of school age children

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and school employees shall be given the greatest consideration in the approval of requests for use of public education property for voluntary firearm safety training and instruction.

R277-611-6. Use of Public School Property for Firearm Safety Instruction.

A. LEAs may designate which classrooms or auditoriums or other appropriate public school areas may be used for firearm safety training or instruction or both.

B. LEAs shall give first priority to curriculum-related groups in allowing firearm safety instruction to be held on public school property.

C. LEAs shall give the safety of all students and community patrons the greatest consideration in allowing for firearm safety instruction or training on public school property.

D. If appropriate or necessary, at the LEA's discretion, the LEA may post notice in and around public school areas that are designated for firearm instruction and training.

E. Live ammunition shall not be brought on public school property as a part of firearm safety instruction.

KEY: firearms, instruction

Date of Enactment or Last Substantive Amendment: 2010

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-13-106(5); 53A-1-401(3)